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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,461	05/06/2004	Chi-Ming Hsiao	MTKP0067USA1	3460
27765	7590	09/20/2005		EXAMINER
				LAM, TUAN THIEU
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/709,461	HSIAO ET AL.
	Examiner	Art Unit
	Tuan T. Lam	2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 07 August 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2,4-12 and 14-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 2,6-12 and 16-20 is/are allowed.
- 6) Claim(s) 4-5, 14-15, 21-22, 26, 30-31 and 35 is/are rejected.
- 7) Claim(s) 1,23-25,27-29,32-34 and 36-38 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 May 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

This is a response to the amendment filed 8/7/2005. Claims 1-2, 4-12 and 14-38 are pending and are under examination.

Claim Objections

1. Claim 1 is objected to because of the following informalities: there are two periods at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4-5 and 14-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-5 are indefinite because they depend on canceled claim 3.

Claims 14-15 are indefinite because they depend on canceled claim 13.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 21-22, 26, 30-31 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's cited prior art figures 1-3 in view of Carroll (USP 5,130,571), prior art of record.

Applicant's cited prior art figure 1 shows an oscillator circuit (10) comprising a plurality of switched capacitor circuits (16). Each switched capacitor circuit (shown in figure 3) comprises a single positive side switch transistor (42) and a capacitor (40) and a corresponding negative side switch transistor (46) and a capacitor (44) and a center switch (48). The single switch transistor selectively coupled a positive/negative side first node to a positive/negative side second node depending upon a control signal (SW).

Applicant's cited prior art switched capacitor circuit figure 3 shows a single switch transistor instead of a plurality of differently sized switch transistors sequentially switched off with a smallest switch transistor being switched off last as called for in claims 21-22, 26, 30-31 and 35.

Figure 4 of Carroll reference discloses a switched capacitor circuit having a plurality of differently sized switch transistors (T24, T22, column 3, lines 1-5). The transistors are sequentially switched off with the smallest (T22) being switched off last to obtain a fast acquisition while maintaining a low offset voltage. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made to replace applicant's single positive and negative side switch transistor shown in figure 3 with plurality of differently sized switch transistors sequentially switched off with a smallest switch transistor being switched off last for the purpose of increasing speed with a minimal offset voltage.

Response to Arguments

3. Applicant's arguments filed 8/7/2005 have been fully considered but they are not persuasive. Applicant stated that newly cited claims 21-38 should be allowable because those claims include allowable features as noted in previous Office actions are not persuasive. Newly claim 21 is a combination of claims 1-2 and 6 of the amendment filed 4/15/2005. In response to that amendment claims 1-2 and 6 were rejected under application's cited prior art figure 3 and Carroll reference. Therefore, the newly cited claims could not be allowed as indicated by the applicant. See above for the detailed rejection of the newly recited claims.

Allowable Subject Matter

4. Claims 2, 6-12 and 16-20 are presently allowed.

5. Claim 1 is objected to but would be allowable if rewritten to overcome the objection noted in the above.

6. Claims 4-5 and 14-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

7. Claims 23-25, 27-29, 32-34 and 36-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T. Lam whose telephone number is 571-272-1744. The examiner can normally be reached on Monday to Friday (7:30 am to 6:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY P. CALLAHAN can be reached on 571-272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tuan T. Lam
Primary Examiner
Art Unit 2816

9/18/2005